Chapter-V

Committees in India

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Background

The origin of the Standing Committees in India can be traced to the British period. After India got independence, the Committee system was continued with some modifications. Parliamentary Committees in India are divided basically into two types - Standing Committees and Ad hoc Committees. This chapter is mainly devoted to Standing Committees and Department Related Standing Committees - their types, roles, composition and functions. It also emphasises the special features of individual Committees in case studies.

Types of Committees

Presently, the Standing Committees are classified, on the basis of their functions, into five broad categories: (a) Committees to Enquire: Under this category, the Committees include: (1) Committee on Petitions; and (2) Committee on Privileges (b) Committees to Scrutinise and Control. Under this category, the Committees are: (1) Committee on Government Assurances; (2) Committee on Subordinate Legislation; (3) Committee on Papers Laid on the Table; and (4) Committee on Welfare of Scheduled Castes and Scheduled Tribes. In addition, there are three financial Committees. Under this category: (1) Estimates Committee (Lok Sabha), (2) Public Undertakings Committee, and (3) Public Accounts Committee; (c) Subject Committees. Under this category comes Committees on Agriculture, on Science and Technology, and on Environment and Forests. These subject
Committees were created in 1988, in the Eighth Lok Sabha, with a view to "making the Parliament more effective in various subjects, important for the development of the country".¹ They got expanded into as many as 17 Committees in 1993. (d) Committees to Advise. They include: (1) Business Advisory Committee, (2) Committee on Private Member's Bills and Resolutions, (3) Committee on Absence of Members from the Sittings of the House, and (4) Rules Committee. These Committees are concerned with the day to day business of the House.² (e) The fifth category is Service Committees.³ They are: (1) General Purpose Committee, (2) House Committee, (3) Library Committee, and (4) Joint Committees on Salaries and Allowances of Members of Parliament.

Composition of Committees

Composition of the Committees is based on the rules and conventions existing in each House of the Parliament. In Lok Sabha, the Committees are constituted under the rules of the House as well as the directions of the Speaker. There are basically three sets or rules relating to Committees⁴: General Rules (Rules 253-286) Lok Sabha, applicable to all Committees; Specific Rules (Rule 289-331B), making special provisions for particular

² These Committees are also called, by some experts, House Committees. Subhas C.Kashyap, Our Parliament: An Introduction to the Parliament of India (New Delhi: National Book Trust, India, 1993).
³ These are also called House Keeping Committees. See B.B.Jena, Parliamentary Committees in India (Calcutta: Scientific Book Agency, 1966).
Committees; Internal Rules, regulating the internal procedures of the Committees. The Internal Rules of the Committees are made by the Committees themselves in conformity with the rules of the House and direction of the Speaker.

Appointment of Committee Members

The members of Committees are either appointed on the recommendation of respective parties, with not less than five members, or nominated by the Speaker or Chairman. But the Financial Committees - PAC, PUC, Estimates Committee, Joint Committees, and Committees on ST and SCs are elected on a single transferable vote.

As per the Convention, after the election to the Rajya Sabha, the Chairman or the Minister of the Parliamentary Affairs calls a meeting of the leaders/Whips of each party, with not less than 5 members, in order to discuss the quota and the representation in Committees in proportion to their numerical strength in the House. Then the parties submit the names of their nominees by a specific date to be approved by the Chairman. The practice is to avoid suggesting a member’s name for two consecutive terms for the same Committee. In case of smaller parties with less than 5 members and unattached members, the Chairman makes the nomination. After the list is finalized, the secretariat issues the letters of appointment to individual members. Casual vacancies are filled by either appointment by the Speaker/Chairman or election, and any such member once
elected/nominated/appointed remains for the rest of the term of the original member.

The Chairmen of the Committees are appointed by the Speaker/Chairman. If the Speaker/Chairman or his deputy is the member of any Committee, he or his deputy becomes the Chairman. The ex-officio secretary of the Committee is the secretary of the Lok Sabha or one of his deputies. Usually, a member with greater experience and qualifications is chosen as the Chairman, because most of the effectiveness of a Committee depends largely on the efficiency with which it is led, and, therefore, the Chairman is the key to overall output of a Committee.\textsuperscript{5}

**Rules and Procedures**

Normally, the term of a Parliamentary Committee is for a year or for a period specified by the Speaker/Chairman, or until the next Committee is nominated. Some Committees, however, continue until they are reconstituted; they are: Business Advisory Committee, Committee on Privileges, Committee on Petitions, and the Rules Committee. Standing Committees are reconstituted every year after the budget session. But in case of Rajya Sabha, if biennial elections are to be held, the reconstitution of the Committees can be postponed in order to accommodate the newly elected members of different parties on various Committees. For example, in the year 1986, the Committees were reconstituted at the end of October as the

\textsuperscript{5} B.B.Jena, n.3, p.19.
biennial elections were held for Rajya Sabha, in June, July and August that year, similar postponement has happened several times.

Another important point to be noted here is that any business pending before a Committee shall not lapse for any reason except the prorogation of the House. A dissolution of the House means the end of all Committees. But the Rules provide that for any unfinished work, a Committee before the expiration of its term or before the dissolution of the House, may report to the House that the Committee has not been able to complete its work. Their report as and when ready is passed on to a new Committee in order to avoid discontinuation of important tasks. The only exception is that the business pending before the Committee on Government Assurances does not lapse; it continues to the next Lok Sabha. The assurances given by the government, and other pending ones, are examined by the next Lok Sabha.

Deliberations

The Committee meetings are not open to public, unlike the Parliamentary sessions, but the proceedings are conducted in a similar manner, the exception being the informality intimacy and impartiality of the atmosphere. The members have the chance to make more than one intervention in the deliberations in the meetings. The decision making mechanism in the

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6 India, Rajya Sabha Bulletin (New Delhi), part I/II, 30 October 1986.
8 R.C. Bhardwaj, Former Parliament Secretary, Lok Sabha in an interview with the author on 30.01.1996 in Delhi.
meetings operate on the basis of majority vote. In case of a tie, the Chairman of the Committee has a casting vote.

After the deliberations are complete, the Report is drafted on the substantive portions of the minutes. The Report can be presented to the House in two stages—preliminary and the final. The Report is presented by the Chairman of the Committee or any other member authorised by the Chairman. Until the presentation to the House, the Report is treated confidential, and after presentation and submission, the Report becomes a public document. 9 During the work of the Committee, if a matter of any significance comes to the knowledge of the Committee, it can bring that to the notice of the House, even if the matter falls beyond the terms of reference of the Committee.10

Quorum and Attendance

The quorum of a Committee is fixed at one third of its membership.11 If the Committee fails to have the quorum, the Chairman of the Committee shall either suspend the sitting until there is a quorum or adjourn it till a further date.12 However, if the sitting gets adjourned twice successively, the Chairman shall inform it to the House or to the Speaker if the Committee is appointed by the Speaker.13 In case of a member being absent twice on consecutive sittings without permission of the Chairman, the member may

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9 Subhas C. Kashyap, n.2, p.143.
11 Ibid., Rule 259(1).
12 Ibid., Rule259 (2).
13 Ibid., Rule259 (3).
be discharged on a motion by the House. But, if the member is nominated by the Speaker, he can be dismissed straightway without a motion.

Committee Sittings

The meetings of the Committees are usually held in the Parliament House complex. In special cases, with the permission of the Chairman/ Speaker, the meetings could be held outside. Moreover, if the Committee is on a tour, it can conduct meetings, but cannot take decisions and record evidence.\textsuperscript{14}

Occasionally, in the situations, like while examining some records which cannot be removed from its place or if a member of the Committee is sick or the witness is unable to move from his residence, the sitting of a Committee can be held outside the premises of the House. Strictly, the sitting of a Committee shall be held in private.\textsuperscript{15}

Powers

The Committees enjoy such powers as granted to them by the rules of the House; although the Committees can revise their own procedures in accordance with the rules of the House and in concurrence with the Speaker/Chairman. The powers pertain to summoning evidences - physical as well as material; appoints sub-Committees, and prepare and finalise reports.

\textsuperscript{14} India, Speaker's Direction, no.50 (2), (New Delhi: Lok Sabha).
\textsuperscript{15} India, Rules of Procedure and Conduct of Business in Lok Sabha, n.10, Rules 266 and 267.
The Secretary of the Committee has the power to summon witnesses by an order. Committees can demand from the witness any material relevant to the issue. No document can be withdrawn or altered without the knowledge or approval of the Committee. It constitutes a breach of privilege if a person fails to appear before a Committee.

A Committee has the power to permit a witness to be heard by a counsel appointed by the Speaker who can withdraw this approval if the counsel behaved undesirably. If someone wished to provide evidence he is asked to supply sufficient number of copies of a written memorandum to the Committee members, who will then decide whether such witness should be called to appear before the Committee. However, it is explained to the witnesses that their evidence is liable to be made available to the Members of Parliament. Similarly, if a Minister or Department is required to tender evidence before a Committee on any matter, the Committee always asks the Ministry or the Department to send copies of any memorandum in advance, through the Lok Sabha Secretariat to the members of the Committee.

Wherever a state government is to produce a document or paper before the Committee, orders of the Speaker has to be obtained before the state officials or state Government is asked to provide any evidence.

A Committee has the power to decide its own procedure subject to the Rules of the House\textsuperscript{16}, and the approval of the Speaker/Chairman. The Committee makes its Rules and Procedures by passing resolutions to that effect and

\textsuperscript{16}Ibid., Rule 286. 

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submit them for the consideration of the Speaker/Chairman who may consider changes in the procedure as they may deem it necessary. Committees have powers to make detailed rules of their own procedure to supplement the provisions contained in the Rules of Procedure made by the House.

The Committees have been given powers to appoint one or more Sub-Committees, each having the powers of the undivided Committee to examine any matters that may be referred to them, and the reports of such Sub-Committees shall be deemed to be the reports of the whole Committee if they are approved at a sitting of the whole Committee.

Reports of the Committee

All the decisions of the Committee are recorded in the minutes and circulated to its members. Relevant extracts from them may also be circulated to any ministry or officer, if considered necessary. If any member of the Committee desires any alteration in the minutes, on the ground that they are not in conformity with the decisions arrived at, the matter shall be referred to the next sitting of the Committee and the decision of the Committee taken there on, shall be incorporated into the minutes of the sitting. The minutes are kept confidential until they are presented to the House.

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17 Ibid., Rule 281.
However, the report to be submitted to the House is first drafted by the Chairman of the Committee, and then approved by the Committee. The Chairman then presents the Report to the House or to the Speaker/Chairman, as the case may be from time to time. The Committee may make a special report on any matter that arises or comes to light in the course of its work which it may consider necessary to bring to the notice of the House, notwithstanding that such a matter is not directly connected with, or does not fall within its scope or is not incidental to its terms of reference.\(^{19}\)

A date is fixed for the consideration of the draft report and on that day, the Chairman reads out the draft report, paragraph wise, putting the question to the Committee at the end of the each paragraph, “that the paragraphs do stand part of the report”\(^{20}\). If a member objects to any portion of the report then he will propose his amendment to bring it in line with the decisions.

The Committee, if it thinks fit, may make available to Government any completed part of its report before it is presented to the House. Such reports shall be treated as confidential until presented to the House.\(^{21}\)

**Case Studies of Some Important Committees**

This section will discuss the individual Standing Committees - their functions, powers, compositions, and specialities. Committees covered in the section also include those pertaining to major areas of administration, ethics,

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\(^{19}\) Ibid., Rule 276.

\(^{20}\) Ibid., Rule 277.

accountability, finance and departmental issues as they have been grouped in the section on types of Committees earlier on in the chapter.

Finance Committees

On financial matters three Committees have been set up: Estimates Committee, Public Accounts Committee (PAC), Public Undertaking Committee (PUC). All the three Committees are meant to basically safeguard the public funds and ensure financial discipline. The objectives of finance Committees, therefore, are: first, to ensure that the public funds are spent by the executive in the guidelines set up by the legislature; second, to ensure that high standard of public morality is observed in financial issues; third, to ensure that care has been taken in the exercise of financial transaction by the executive; and fourthly, and importantly, to draw the attention of the House towards cases of embezzlement, fraud, and misappropriation.

Finance Committees carry out the detailed scrutiny of the government’s budget and expenditure with a view to securing legality and propriety on financial matters. The importance of finance Committees is evident from the fact that although almost two months are devoted by the Parliament each year in the budget session, the details of the estimates and expenditure are not attended to, except only in general, repetitive and formal comments.

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Estimates Committee

The Estimates Committee is composed of 30 members from the Lok Sabha. The membership distinguishes from other Committees, since it is drawn only from the Lok Sabha. This is mainly because Lok Sabha alone enjoys financial powers to scrutinize the expenditure of the government. The members are elected by proportional representation, with single transferable vote. This mode of election provides a fair of chance of representation to all political parties and groups in proportion to their respective strengths.

The functions of the Committee are mainly to help the government to draw estimates and to ensure that expenditure is incurred according to the estimates. Specifically the functions are as follows:

(a) To report what economies, improvements in organization, efficiency or administration, consistent with the policy underlying the estimates, may be effected;

(b) To suggest alternative polices in order to bring about efficiency and economy in administration;

(c) To examine whether the money is well laid out within the limits of the policy implied in the estimates; and

(d) To suggest the format which the estimates shall be presented to Parliament.

From the above it is clear that the scope of the Committees extends to the examination of any ministry/department of the government of India and other bodies not specifically excluded by the Rules and Procedure. The Committee can also inquire into any scheme, project or activity involving
Another important function is to suggest, for the sake of rationalization of expenditure, reorganization of the ministry and departments. The examination of estimates concerning the Ministry of Defence is entrusted to a Sub-Committee of the Committee. This is a separate procedure. However, the Sub-Committee on Defence enjoys all the powers of the main Committee.

Estimates Committee has been authorised, under the Rules of Procedure, to make its own rules relating to its work. The rules so framed during the course of Committee’s work during the last 39 years have enabled the Committee to be an effective instrument of inquiry into several activities of the government. Since the government undertakes too many extensive actions which make it impossible for the Estimates Committee to examine whole of them in just a year, the Committee selects a few subjects for detailed inquiry. In the selection of such subjects, the members and the Chairman of the Committee follow two basic criteria - they should be of importance to the common people, and should be of topical in nature.

Scrutiny of the Working of Delhi Development Authority (DDA)

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23 In India the Union and each State has a consolidated fund. The fund of the Union is called the Consolidated Fund of India and that of a State is called Consolidated Fund of the State. This is according to the Article 266 (1) of The Constitution of India. All revenues received by the Government of India, all loans raised by issuing treasury bills, loans or ways and means advances and all money received in repayment of loans form one Consolidated Fund of India. No money can be issued out of this Fund, except in accordance the purposes and in the manner provided in the constitution, says article 266 (3). See, Dictionary of Constitutional and Parliamentary Terms, (New Delhi: Lok Sabha Secretariat, 1991), p.110.
Based on the above two criteria, the Estimates Committee of 12th Lok Sabha took up the subject of the working of DDA under the Ministry of Urban Affairs and Employment for scrutiny. The Committee was concerned about the functioning of the DDA – land acquisition from farmers and their compensation, checking unauthorised growth of slums, and its dealings with the slum dwellers. The Committee observed that the “Spate of illegal and unauthorized colonies have hampered the systematic and planned growth of Delhi and desired that necessary corrective measures be taken immediately to prevent the unabated growth of slums—.”

The ministry, accepting that the illegal and unauthorized colonies have hampered the growth of Delhi, took steps to prevent encroachment and unauthorized constructions. The steps included demolition of unauthorised constructions, fencing of DDA land and fixing accountability of Officers for land protection. The DDA was also allotting lands to the slum wing of Municipal Corporation Delhi (MCD) @ minimum of 10 percent residential area in various schemes, and 20 percent of the flats are earmarked for weaker sections (EWS) and 20 percent for LIG categories.

On the question of enhancement of compensation for the acquisition of land, the Committee disagreed with the Secretary of the ministry that enhancing compensation would be a big blow to the finances of DDA. The Committee felt that it was rather a big blow to the farmers who have been deprived of

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25 Ibid.
their livelihood and who were incurring heavy expenditure on litigation for compensation. The Committee, therefore, desired that the government to review thoroughly the cases of compensation and deliver justice to the farmers. The government accepted the recommendation and revised the compensation payable to the landowners.\(^{26}\)

The planned generation of revenue by selling DDA flats was a default, but the Committee took a serious view of huge outstanding arrears and asked the DDA to realize the arrears. The Committee recommended several measures such as non-recovery certificates, attachment notices, cancellation of allotments, arrest warrants, etc. whichever was appropriate to a particular context. The government responded positively to the recommendations of the Committee. The Joint Chief Accounts Officers were delegated with the powers of Assistant Collector to recover the dues/arrears. A periodic review of collection, along with the other actions, was to be conducted by the government. In the subsequent meeting, the Committee expressed dismay over the low speed and extent of recovery. Sixty percent of the arrears were yet to be recovered after almost a year of the recommendation by the Committee and the confirmation of the recommendation by the government. The Committee urged the DDA to streamline its machinery in order to push the pace of recovery by instituting tougher recovery laws for the defaulters.\(^{27}\)

\(^{26}\) Ibid.

\(^{27}\) Ibid., p.8.
Two other recommendations concerned the structure and objectives of the DDA. First, the filling up of the important vacancy of an Engineer Member. The Committee desired that the proposal pending with the ministry on appointing the senior most Chief Engineer of DDA as an Engineer Member in the authority should be considered expeditiously by the government. The Committee reminded the basic functions of DDA: planning and development; construction of houses; and protection of land management which lead to promotion of planned development of Delhi. The Committee observed that illegal and unplanned colonies were affecting systematic planning. In order to secure the basic objectives, DDA needed to check the unplanned growth, observed the Committee. The government noted the recommendation of appointment for compliance and assured the Committee that the DDA land would be protected against encroachment, and the poor will have the space for slums in the allotment of lands.28

From the above facts, evidently, the Estimates Committee had a positive and constructive approach in dealing with matters. It had pointed out the inefficient execution of projects, inability to realize revenue, causing loses to the government, and injustice to the farmers in payment of compensation. It was noticed that the Committee also made recommendations for corrective actions to improve the functioning of the department. It has been non-partisan and objective in its investigation. It has identified loopholes and made suggestions to plug them. The Committee, through the investigation,

provides a forum for information flow from Government to the Parliament and ultimately to the people. The Estimates Committee has thus performed its role with fairness and objectivity and has contributed to the better functioning of the Parliament.

Public Accounts Committee (PAC)

The Public Accounts Committee is the oldest of the three financial Committees; working as the 'twin sister' of the Estimates Committee inasmuch as it complements the work of the latter. The Public Accounts Committee was created with the objective of the detailed scrutiny of accounts, which have become complex and quite technical, with increasing weight and variations of public expenditure. The setting of the first PAC in 1921 was viewed by many as a landmark in the annals of the Parliamentary system as it made the first positive step towards establishing financial control by the legislature over the executive.29

The PAC consists of the 22 members - 15 from Lok Sabha and 7 from Rajya Sabha.30 By established Convention, since 1967 a member of the Opposition party has been appointed as the Chairman of the Committee.31 This is to ensure a cross-party confidence in one of the important Parliamentary Committees dealing with matters of public finance. As the composition of the Committee reflects party neutrality, the recommendations of the

30 India, Rules of Procedure and Conduct of Business in Lok Sabha, n.10, Rule 309
31 Subhash C Kashyap, n.2, P.146.
Committee are known for their independence and objectivity. As the Committee represents all shades of opinions in proportion to their strength in the House, it is a microcosm of Parliament. The recommendations of the Committee are invariably unanimous and are treated by the administration as that of the House itself.

The basic function of the PAC is to examine whether the accounts of expenses granted by the Parliament have been spent accordingly. Examining the finance and accounts for the Government of India, and any other accounts laid before the House, is the primary concern of the Public Accounts Committee. Scrutinizing the appropriation accounts of Government of India and the Reports of the Comptroller and Auditor General (CAG), the Committee has to satisfy:

a) That the amounts shown in the accounts, as having been disbursed, were legally available for, and applicable to, the service or purpose to which they have been applied or charged;

b) That the expenditure conforms to the authority which governs it; and

c) That every re-appropriation has been made in accordance with the provisions made in it for the purpose under the rules framed by competent authority. One of the main functions of the Committees is to examine the Audit Reports of the CAG. The Committee did so up to Third Lok Sabha.

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However, subsequently the Committee began to selectively examine the audit paras.\textsuperscript{34}

Over the years, as length of all Audit Reports have increased, the percentage of the paras selected by PAC for scrutiny has declined.\textsuperscript{35} As a consequence, the accountability of ministries could not be enforced in full measure. R.K. Chandrasekharan, a former Deputy CAG, endorses this: “Non-pursuance of the paras not Selected for examination in a regular and effective manner virtually left them out in the cold which perhaps unwittingly encouraged the administration to play the game of wait and see until the natural demise of the paras in most of the Reports.”\textsuperscript{36}

In recent times, the Government has undertaken several development and social welfare activities, in order to achieve growth in the economy and development of a lot of deprived areas and people. These activities have lead to huge revenue receipts, capital expenditure and public sector borrowings. These have added to the functions of the PAC. In fact, it has expanded the scope of PAC beyond mere surveillance over governmental spending, the ‘formality and legality’ of expenditure in its ‘wisdom, faithfulness and economy’ and, in doing so, the Committee has been looking at the execution of the projects, the efficiency and the economy of operation, and

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\item[34] B.P.Mathur, n.32, p.424.
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achievement of desired results. The Committee also makes suggestions pertaining to conducting of projects, in terms of identifying shortcomings and recommending rectification of the same. Referring to the complementarity of its role with the Estimates Committee, mentioned earlier, the Estimates Committee scrutinises the estimates; the Comptroller and Auditor General keeps continuous watch on the ways of the grants voted by the Parliament are utilised; and accounts are then examined by the PAC. This, in practice, completes the circle of Parliamentary control over expenditure.

Some Examples

Let us study some examples in order to understand the efficacy of the PAC.

Separation of Audit and Accounts

In its Third Report, of the First Lok Sabha, on Exchequer Control on Public Expenditure, the PAC had recommended separation of Audits from Accounts. The Administrative Reforms Commission in 1968 supported this suggestion. Government of India, in 1976, accepted and implemented it. In the Fourth Lok Sabha, the Committee, in its Eleventh and Fiftieth Reports, set up the guidelines for items of expenditure, which constituted, the New Instrument of Service, under Article 150 of the Constitution. In April 1994, in the Seventy-fifth Report of the Tenth Lok Sabha, the PAC was concerned with the important issue of disinvestments of public enterprises. The Committee felt that disinvestments process was not transparent, and the
responsibility on the officials needed to be fixed. As a result of this report the Government set up an enquiry Committee.

"Kargil Scam"

Enquiring into the so-called ‘Kargil scam’, the PAC had taken exception to a circular from the defence minister, which questioned and denigrated the office of the CAG of India. The PAC joined issue with the minister when the latter tried to run CAG down. While probing the scam, the Chairman of the Committee N.D. Tiwari, threatened to quit over the defence minister’s interference in the Committee’s work. In particular, the Committee took strong objection to Defence Minister’s demand for dismissal of CAG. The Committee observed, “The Defence Minister’s action has caused an unwarranted hindrance in the functioning of PAC. This action (circulation of a pamphlet by the minister) has cast aspersion on the CAG both as a constitutional body and as an individual holding the highest office”. The Committee unanimously decided to report to the Lok Sabha Speaker against the ‘unwarranted interference’. Interestingly, the decision was unanimous as it was endorsed by all members belonging to the ruling coalition, including

37 See The Times of India (New Delhi), 22 February 2002; Era Sezhiyan, "In Defence of the CAG", The Hindu (New Delhi), 21.2.2002.
38 The Defence Minister’s contention was that the coffins were meant for the martyrs which bodies had to be brought safely and nicely to their relations. Coffins were imported after careful bidding and decisions to import them was taken before he assumed a ministership by relevant authority.
39 See The Times of India (New Delhi), 22 February 2002, n.37.
from the defence minister's own party. The PAC chairman raised this with
the Prime Minister to protect the credibility of CAG.\textsuperscript{40}

**Effectiveness of the PAC**

The PAC has been fairly effective judging by the response of the
Government to its recommendations. From 1980 to 1999, a twenty-year
period covering the Seventh and Twelfth Lok Sabhas the PAC made 6112
recommendations, of which the Government accepted 3709 - about 61
percent.\textsuperscript{41} 10 percent of the recommendations were dropped at the action
taken stage after receiving government replies. 10 more percent of
recommendations were reiterated by the Committee, some of them were
accepted by the government. The Convention of appointing a member of the
Opposition as the Chairman of the Committee has lent credibility to the
functioning of the Committee. Commending this arrangement, Lok Sabha
Speaker, N. Sanjiva Reddy, observed, way back in 1967, on the first
Chairman of the PAC, M.R.Masani: “Shri Masani has more than vindicated
his faith with his intellectual calibre, broad sweep, sense of dedication and
restraint and has lent a new stature to the Committee, earning for it respect
and approbation of all those who appeared before it, and was able to carry

\textsuperscript{40} Ibid.

his colleagues in the Committee who were given a full sense of participation in the Committee’s work”.\textsuperscript{42}

What is notable in this context is that the representativeness and the neutrality of the PAC act as a great check against the tendency of the administration towards slackness, negligence, and arbitrariness in dealing with the expenditure from public funds. The detailed examination of the accounts by the Committee lends accountability in the transaction, and efficiency and probity in running the financial affairs. The Committee thus ensures, by continuous monitoring and constant vigilance, financial discipline in public expenditure. In the words of G.S.Pathak, former Vice-President of India, and the Chairman of Rajya Sabha, “the PAC provides the best method yet devised to control administrative expenditure and represents the most honest and incorruptible system of scrutinizing public accounts.”\textsuperscript{43}

Three finance Committees of Indian Parliament also come under the category of Committees to scrutinise and control. It is the responsibility of the Parliament to examine and approve the proposals for taxation, and estimates of expenditure, made by the government. Although nearly two months of the 'Budget Session' are devoted for this purpose, discussions are neither very extensive nor intensive. In its anxiety to cover the whole field, the observations and criticisms by Parliament have tended to be general.


repetitive and formal. As the time available is short, often demands relating to a number of ministries / departments are not discussed at all and the 'guillotine' is applied. It is here that the financial Committees of Parliament endeavor to undertake the task of detailed scrutiny and investigation of Governmental spending and performance, thereby securing the accountability of the Administration to Parliament in financial matters.

These investigations are carried out for the purpose of ensuring economy in public expenditure, and with a view to securing regularity, legality and propriety in the matter of financial administration.\textsuperscript{44}

\textit{Public Undertakings Committee (PUC)}

The first Public Undertakings Committee was set up on 1 May 1964. After independence the state increasingly began to participate in industry and trade, giving rise to a large number of public undertakings. These undertakings are important instruments for promoting economic growth and development; but they must function within the realm of public accountability. Out of the three Finance Committees, the Public Undertaking Committee is the youngest.

The Public Undertaking Committee consists of 22 members, 15 from Lok Sabha and 7 from Rajya Sabha. Like other Financial Committees, the election to the Public Undertaking Committee is conducted by single

transferable vote. Since the members are drawn from almost all parties the Committee is comprised of a cross-section of members.

The functions of the Public Undertakings Committee have been laid down in Rule 312A of the Rules of Procedure and conduct of Business in Lok Sabha. The functions are:

(a) To examine the reports and accounts of the public undertakings specified in Fourth Schedule of the Rules;

(b) To examine the reports, if any, of the Comptroller and Auditor General of India on Public Undertakings;

(c) To examine, in the context of the autonomy and efficiency of the public undertakings, whether the affairs of the public undertakings are being managed in accordance with sound business principles and prudent commercial practices; and

(d) To exercise such functions vested in the Committee on Public Accounts and the Committee on Estimates in relation to the Public Undertakings, specified in the Fourth Schedule, as are not covered by clauses (a), (b) and (c) above, and as may be allotted to the Committee by the Speaker from time to time.


46 While the Committee has powers to examine every Government company whose Annual Report is placed before the Parliament under sub-section of section 619A of the companies Act, 1956, the Committee can examine only the following seven statutory corporation:

(1) (1) The Damodar Valley Corporation.
(2) (2) The Industrial Finance Corporation.
(3) (3) The Indian Airlines Corporation.
(4) (4) The Air India International.
(7) (7) Oil and Natural Gas Corporation.
The Committee’s method of work is similar to that of the Estimates Committee\textsuperscript{47}. In case any matter arises out of the audit report, the Committee is assisted by the Comptroller and Auditor General (CAG). The Committee’s scrutiny is generally vertical but every year a horizontal study is also made\textsuperscript{48}.

The PUC is central to the functioning of the public undertakings. The reports of the Committee are not only the result of monitoring but proffers suggestions for their improvements. The reports are concise and comprehensive, stressing the accountability of public undertakings.

The above functions can be seen in the context of certain cases investigated and reported by the Public Undertaking Committee.

**ONGC Project**

The Committee investigated the ONGC project for setting up the horizontal Single Buoy Mooring (SBM) Project. The Committee found that the idea of export of Natural Gas (NG) was devoid of urgency, foresight and coordination. The project also did not consider the requirement of Indian Oil Corporation (IOC) for creating facilities for import of Liquefied Petroleum Gas (LPG)\textsuperscript{49}.


\textsuperscript{49} India, *Committee on Public Undertakings (1998-99)*, Third Report on Oil and Natural Gas Corporation Limited – Setting up of Single Buoy Mooring Project*, Ministry of Petroleum and Natural Gas, 12\textsuperscript{th} Lok Sabha, Lok Sabha Secretariat, New Delhi, p.2.
The Committee was also examining if there has been any bias towards the SBM project. The Committee also expressed deep anguish over the manner in which their recommendations have not been treated. Those who did not agree, the Committee recommended that they should be on the sidelines. The Committee also suggested that strict action will be taken against persons found responsible for the failure of the project.\textsuperscript{50}

The Committee strongly recommended an inquiry by the Joint Secretary of the ONGC department. It took strong objection to the manner in which its recommendation was treated; in that it was only a ministerial enquiry. Now, the Committee suggested that a retired judge should handle the enquiry.\textsuperscript{51}

The Committee, in its recommendation no. 1, decried the delay in setting up the SBM project, which needed to be installed quickly for helping the export of Natural Gas Liquid (NGL). In particular, the Committee pointed out the absolute lack of coordination amongst various agencies, which bedevilled the project. As a result of this report, the government issued necessary instructions for better coordination among PSUs under the ministry.\textsuperscript{52}

In its recommendation no. 7 the Committee reported the loss of Rs. 75 crores at the start of the project. It was noted that by Oct 1989, when major works like procurement of SBM and pipes laying on onshore pipelines that had already been completed, the Gujarat Maritime Board (GMB) asked the

\textsuperscript{50} Ibid., p.3.
\textsuperscript{51} Ibid., p.4.
\textsuperscript{52} Ibid., p.5.
ONGC to stop work. The GBM did this, although it had cleared the project way back in 1987. The Committee, therefore, pointed out the critical coordination lapses in the project of such a big magnitude.\(^{53}\)

**Power Grid Corporation**

The PUC in its investigation of Power Grid Corporation, National Hydro Power Corporation, and North Eastern Electric Power Corporation (NEEPCC) found that the state electricity boards have not paid the dues to the central public undertakings, which had accumulated to several thousand crores of rupees, which led these the central public undertakings to serious financial crisis. The Committee warned that such huge arrears would also affect the financial viability and even the very survival of these corporations. In response to the observations of the Committee, in 2002, the Union Finance Minister announced, in his budget speech, that there would be an agreement between the state governments and central public undertakings. And this would follow a one-time settlement scheme in regard to State Electricity Boards’ overdue to the central public sector utilities, through securitization and issue of tax-free bonds by the respective state governments.\(^{54}\)

Similarly, with regard to the problems of employees at Semi-Conductor Complex Ltd. (SCL) the PUC expressed its concern about wearing out of the experienced manpower. The Committee made two recommendations to arrest the attrition of manpower in SCL:(i) Immediate revision of pay scale;

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\(^{53}\) Ibid., p.7.

and (ii) introduction of voluntary retirement scheme (VRS). In response, the
government accepted both recommendations – revision of pay scale and
introduction of VRS.\textsuperscript{55}

Therefore, clearly, the Public Undertakings Committee is only instrument
available to the management of these Undertakings which enables them to
meet the representatives of the people. It provides an opportunity for the
management to explain their problems and express their views on
management in particular, and on governance in general. The management
of the Undertakings should normally be represented through the concerned
minister in a very limited way, but the PUC provides them with a larger
forum for extensive representation of issues. The PUC is the only
Committee, which interfaces Parliament, executive and the management
with regard to public enterprise, and provides flesh and blood to the concept
of accountability; although largely on public undertakings. This Committee
therefore is considered to be the most important and influential
Parliamentary Committee.

Having discussed the Finance Committees, let us turn to rest of the Standing
Committees in India. As mentioned earlier in the section on types, the other
Parliamentary Committees will now be taken up for analysis category wise.

Committees to Enquire

\textsuperscript{55} Ibid., p.400.
Under this category, there are two Parliamentary Committees - (i) Committee on Petition and (ii) Committee on Privileges. In view of the numerous petitions made to the Parliament, a Committee was constituted to examine the merits of the petitions and make recommendations on them.\textsuperscript{56} The Committee on Petition is the oldest Committee of the House. Article 350 of the Constitution provides for an independent Committee on Petitions. The Committee considers representations in the form of letters and telegram from individuals and associations. Even a common man can seek Parliamentary support for redressal of his just grievances. For aggrieved people, when no relief is available elsewhere, they can approach the Parliament, which is the sovereign body, for redressal. The Committee thus acts as an ombudsman or as a Public Grievances Committee.\textsuperscript{57}

The Committee on Petition mainly examines matters, coming under Rules relating to the petitions and Bills laying before the House or any other matter connected with the business laying before the House, after it is presented to Lok Sabha. The Committee, as a rule, directs the circulation of petitions, in summary form, in the House. The purpose is to focus on the public opinion and feeling, while discussion taken place on other matters in the House. Another important function of the Committee is to examine all representations, which are inadmissible as petitions to Lok Sabha. The


Committee has gained several substantial achievements to its credit. The following are some of the instances:

(1) In the Second Lok Sabha, Petition no.37: The Committee had recommended that facilities should be provided in Branch Post Offices in the villages for the issue and renewal of broadcast receiving licenses. This was then accepted and implemented by the Director General, Posts and Telegraphs (D.G. P&T) with the issue of executive instructions. A press note was also issued on 7 May 1963, and the Director General, All India Radio, gave wide publicity to the facility across Regional Broadcasting stations.

(2) In the third Lok Sabha, on a matter related to Petition No.1, the Petition Committee recommended the government for adoption, with suitable modifications, of the procedure suggested by the petitioner for distribution of stamp folders, through Philatelic Bureaux, to avoid unnecessary delay in their reaching philatelists. In response to this, the government implemented the recommendation by the D.G. P&T. through a hand out released to the press on the 28 April 1963 in connection with the issue of a special postage stamp to commemorate the centenary of the Red Cross.

On another issue, covered under the 5th Lok Sabha, the Committee on Petition recommended, in the field of welfare of women, the enactment of the Maternity Benefit (Amendment) Act, 1976, which enabled payment of

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58 India, Lok Sabha, 14th Report of the Committee on Petitions, 1957-62, 2nd Lok Sabha.
60 Ibid., 1st Report, Committee on Petitions, 3rd Lok Sabha.
61 Ibid., n.59.
maternity benefits to women in factories and establishments covered by the Employees State Insurance Act, 1948.

During the Fifth Lok Sabha, the Committee on Petition examined a representation regarding over billing and working of the Subscriber Trunk Dialing (STD) system in Delhi telephones. On the basis of the recommendation of the Committee, the government appointed an expert Committee for examining billing system in the Delhi telephones district, which made certain recommendations to the government on the matter. 62

While dealing with another issue in the Fifth Lok Sabha, the Committee had examined a representation regarding the hardship caused to the people by the dismantling of the Shahdara-Saharanpur light railway. On this, the Committee recommended the restoration of the railway line, and the then government not only accepted this recommendation but also in its action agreed to convert it into a broad-gauge line. The vital role played by the Committee on Petition in securing redress of public grievances can be assessed from the above instances. 63

In every democratic set up, the individual is free to bring grievances on any matter to the notice of the Parliament. It is a test on the part of the democratic government that to what extent the public can express their grievances and seek remedy for the wrongs of administrative action. It is the Committee on Petition, which has so far functioned independent of the

63 Ibid.
executive, and maintained higher standards of efficiency and fair administration.

Committee on Privileges

A Committee on Privileges was constituted on the pattern of the British House of Commons, to maintain certain rights such as freedom, status and dignity etc. belonging to each House collectively, and some to individual members. Article 105 (3) of the Indian Constitution deals with the powers, privileges and immunities of each House of Parliament and of the members and the Committees of each House. The Committee on Privileges has representation from both the government as well as the Opposition parties or groups.

It is the duty of Privileges Committee to examine, investigate and report on any question of privilege referred to it by the House, on a motion made by any member. The following are some important matters of privileges which the Committee examined, and gave its report thereon, to the House:

(1) In the 7th Lok Sabha, First Report on 28 May 1979, in a press interview to the P.T.I, J.R.D Tata, former Chairman of Air India, made certain remarks. There was news in the Times of India and other newspapers in respect of certain Reports of the Committee on Public Undertakings on Air India and its Chairman. And against these remarks, on 22 January 1980, Jyotirmoy Basu, MP, gave notice of a privilege motion.
Later on, the matter was referred to the Committee on Privileges. In its report to the House, the Committee felt that it added to the dignity of one and all if, in a democratic set up power was exercised with restraint; the more powerful a body of institution was, the greater restraint was called for, particularly in exercising its penal jurisdiction. In this case, the Committee considered the apology of J.R.D Tata while giving evidence before the Committee proceeding and it were of the view that, the House would best conserve its own dignity by taking no further notice of the matter.

(2) In another incident during the Ninth Lok Sabha, the Committee on Privileges on its First Report, 1990, includes a notice of question of privilege regarding alleged assault on Era Anbarasu, MP, when he was in Central Jail, Madras, and this was supported by P.R.Kumaramangalm MP and others. Era Anbarasu complained that he was arrested at Madras Egmore Railway Station and was detained illegally in Central Jail, Madras. And, again, prisoners and the Superintendent assaulted him. Later, after investigation, the Committee on Privileges found that Era Anbarasu was arrested when he participated in an agitation and while he was under summons from the President of India to attend the Parliament session. He also refused to go out of the jail even after his release. So the Committee was of the view that no question of privilege was involved in this case because the MP was not performing his duties as a Member of Parliament. In its action on the matter, the Committee did not take any further step after the Jail Superintendent expressed his regrets to the Committee. But, however, the
Committee was not satisfied with the evidence given by the Jail authority about such assaults on the elected representative of the people and viewed that there was negligence of the duty on the part of jail authority. They desired that the Ministry of Home Affairs should issue necessary instructions to all the law-enforcing authorities not to assault and ill-treat people’s elected representatives, rather ensure that they are shown respect and regard.64

Committees to Scrutinise
This category covers three types of Parliamentary Committees: (i) Committee on Government Assurances, (ii) Committee on Subordinate Legislation, and (iii) Committee on Papers Laid on the Table.

The Committee on Government Assurances
The main purpose of constituting the Committee on Government Assurances is to see whether the assurances, promises, undertakings, etc. which are often given by the ministries on the floor of the House have been implemented. During discussions on Bills in the House, the ministers give assurances, either to consider a matter or to take action or to furnish the House with fuller information later on to questions asked to them. The reports on matters related to Government assurances are given to the House from time to time by the Committee. This Committee is consisted of 15 members from the Lok Sabha and 10 members from the Rajya Sabha.

The Committee has two main functions: (a) to see the extent to which the ministries' assurances, promises, undertakings etc. have been implemented; and (b) to scrutinise when implementation has taken place within the minimum time necessary for the purpose.\(^{65}\) The Committee recommends that three months time should be taken for implementation of assurance. But if the matter requires a longer period for implementation, the circumstances need to be explained to the Committee and a time limit, within which the promises would be implemented by the Government.\(^{66}\)

*Committee in Subordinate Legislation*

In modern times the legislatures in all democratic countries transact a lot of business. It is, therefore, practically next to impossible to examine every little role that is required for administering various laws. So the Parliament delegates its rule making power to a Committee which is called a Committee on Subordinate Legislation. This Committee is not very much known, although quite important to effective functioning of the Parliament. Unfamiliarity of the Committee may be explained by lack of popular knowledge about its meaning; subordinate legislation means, the body of rules, regulations and by laws constantly framed by the executive under powers delegated to it by an act of the legislature.\(^{67}\) In the words of John Salmond: “Subordinate legislation is that which proceeds from any authority

\(^{65}\text{India, Rajya Sabha, Rule 212(A), n.18.}\)


other than the sovereign power and is therefore dependent for its continued existence and validity of some superior authority".  

Subordinate legislation, which is also called Delegated Legislation, increases in relation to social welfare activities of a state. The factors that influence creating subordinate legislation are: (1) the heavy increase in the workload in the Parliament due to social welfare activity; and (2) the technical nature of the modern legislation to use experience and benefits of a consultative process.

It is possible that the Committee may misuse subordinate legislation hence, the Parliament has devised at least four safeguards, as mentioned in a book called ‘The Control of Delegated Legislation’ by Hewitt. They are: (a) legislative, (b) judicial, (c) administrative, and (d) supervision over local authorities by a Central Government Department. The safeguards can also be expressed in broad principles governing the use of subordinate legislation. As far as possible, the guidelines are to be followed by the authority; the discretionary powers should be mentioned in the rules, and in case of any deviation, it must be explained.

The following instances will illustrate some important recommendations of the Committee.

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69 Mallya, n.67.

According to Rule 26 of the Certificate, the post office was not to be held responsible for the loss of the Certificate and its fraudulent use. The Committee disagreed that the Post Office should be absolved of such responsibility and recommended that a visible identification of the holder should be imprinted on the certificate itself. This should have checked the misuse of the card made of for the genuine holders. 71

(ii) Railway Protection Force- 1987

According to Railway Protection Force regulations, 1966, 50 percent of the positions of senior security officers were reserved for the Departmental candidates and rest 50 percent from deputation. This was changed in 1987-80 percent were to be filled on deputation and 20 percent for the internal candidates.

The Committee observed that this would upset the morale of the cadres, and the rules seemed arbitrary and irrational. The Committee recommended that the rules be amended to provide enough opportunities to the Railway Protection Force personnel. Further more the 1987 rules also changed the educational qualifications of sub-inspectors from intermediate certificate to bachelor’s degree. With the level of education in the communities, such a change was ignoring the realities on the ground. The Committee

recommended the restoration of qualification laid down in 1959, and the
provision of in service training for achieving greater degree of success.\textsuperscript{72}

The increasing complexity of a modern welfare state and massive increase in
the number of legislation have necessitated the birth the Committee on
Subordinate Legislation. Although there are fears of its misuse, with proper
check the Committee has proved to be an important support in
administration. Late G.V.Mavalanker, the First Speaker in the Lok Sabha,
held that the Committee on Subordinate Legislation is the ‘custodian of the
duties of Parliament’ and keeps the administration within bounds intended
by Parliament.\textsuperscript{73}

\textit{Committee on Papers Laid on the Table}

Under the category of scrutiny, the Committee on Papers Laid on the Table
examines a huge amount of papers laid before the Parliament. These papers
include Reports of notification, Acts of Parliament, Rules, Regulations,
Resolutions, etc. It is practically impossible for the Parliament to look into
these papers; hence this Committee. After preliminary examination of the
nature of the paper submitted, the Committee refers them to an appropriate
Parliamentary Committee.\textsuperscript{74} The Committee was first constituted on 1 June
1975, under the Rule 305A of the Rules of Procedure and Conduct of
Business in Lok Sabha. Since then the Committee has been nominated by
the Speaker.

\textsuperscript{72} Ibid., 23\textsuperscript{rd} Report, paras 1.20-1.21.
\textsuperscript{74} Ibid., p.154.
The functions of the Committee are listed under Rule 305B of the Rules of Procedure of Lok Sabha. The Committee has the responsibility of examining the Annul Reports/Audit Reports/Reviews of the Government Companies/Statutory Bodies/ Nationalised Banks and so on. The Committee, among other things, examines: a) if the reports comply with the provisions of the Constitution’s rules and regulations under which the paper had been laid; b) if there has been any delay in laying the paper, and, if so, whether the delay has been explained. On 22 April 1981, on a point of order, Era Sezhiyan, who was the first Chairman of the Committee, brought to the notice of the House that an annual report of a government company covered only six months, and had delayed the auditing of the accounts. The Committee examined 21 cases relating to the delay in laying the audited accounts and annual reports of organisation.

Over the years, the Committee has ensured that annual reports and audited accounts of different organisations are laid on time. It is also to be noted that, prior to the setting up of a Committee, there was a delay of at least four to five years in placing the papers. As a result of timely presentation of papers, the members of Parliament can have timely information and can make an informed decision while voting on demand of grants, etc.

Committee on Welfare of Scheduled Castes and Scheduled Tribes

75 V.S. Rama Devi and B.G. Gujar, Rajya Sabha At Work, n.66, p.659.
76 Ibid.
The Constitution of India provides for certain safeguards and allowances for Scheduled Castes and Scheduled Tribes (SCs & STs) for the sake of affirmative action in order to alleviate their conditions, which are traditionally backward. According to Article 338(2) of the Constitution of India, a special officer, known as Commissioner for SCs and STs, should defend these safeguards. In 1967 a demand was made by a Member of Parliament that a Committee be set up to investigate matters related to SCs and STs, and the Committee was set up in 1968. The main functions of the Committee are to discuss reports of the commissioner; examine the steps taken by the Union Government, and review the working of the welfare programme meant for SCs & STs.

According to Bhola Paswan Shastri, the first Chairman of the Commission, the Committee has played a commanding role in evaluating the scheme implemented for the welfare of the SCs & STs. The Speaker of the Lok Sabha Balram Jhakar in his valedictory address in May 1987 commended the work by the Committee and suggested that their suggestions will significantly contribute to the welfare of the SCs & STs in the country.

Committees to Advise

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81 Ibid., p.76.
Like the Committees to Scrutinize, discussed in the foregoing section, there are four Parliamentary Committees in the Indian Parliament to advise; - Business Advisory Committee, Committee on Private Member's Bills, Committee on Absent of the Member from the Sitting of the House, and the Rules Committee. The principal aim of these Committees is to advise both the Houses of the Parliament on transaction of business, on bills submitted by the private members, attendance by the members of Parliament and on various roles governing the Parliament. Their particular functions are as follows:

**Business Advisory Committee**

In each session, the Parliament carries out enormous amount of business; it thus becomes necessary to plan and prioritize the business of the House. Parliament, as a whole cannot, given the time constraint and workload, do this. Business Advisory Committees have been, therefore, constituted in both Houses to advise on the allocation of time for conducting various businesses. The composition of the Committee includes the Speaker, Deputy Speaker (Lok Sabha), Chairman, Deputy Chairman (Rajya Sabha), Leader of the House, Ministry in charge of Parliamentary Affairs and the Leader of opposition. These are important functionaries in the Parliament to decide on the timing and agenda for the House, including the duration of the House, extension of the sessions, etc. The Committee advises on prioritising
discussions and the manner of discussion, like single sitting or joint sitting, or disposing a particular item without discussion. 82

To illustrate the function of the Committee, in 1995 the Committee recommended that the Criminal Law Amendment Bill, be placed in the House on 18 May and then be referred to the Departmental Committee on Home Affairs. The Committee submits the reports in 2 days and the Bill is taken up for consideration and passing on 22 may 1995. 83 On another occasion, the Committee recommended that the Sixth Schedule of the Constitution Amendment Bill, 1995, vis-à-vis the State of Assam be taken up immediately after its introduction on 17 August 1995. 84

The recommendations of the Committee are only recommendatory and are subject to other rules of business. The Chairman /Speaker make decisions in the interpretation of rules. For instance, on 6 May 1958, the Committee recommended a discussion on food situation, but the matter did not come up for discussion for about 4 days, and a Member pointed out its omission. The Deputy Chairman, invoking Rules 28 (n) now 37, ruled: "Since the discussion was on the basis of a motion, the Chairman had to fix time as per rules. The rules do not say that because it is included in the Committee’s recommendation it must be taken up." 85

Committee on Private Member’s Bills

83 India, Rajya Sabha, Business Advisory Committee, mts., 18.5.1995 (New Delhi: Rajya Sabha Secretariat).
85 India, Rajya Sabha, Parliamentary Debates, 9.5.1958, coll. 2129-33.
This Committee is almost a duplicate of Business Advisory Committee, except that it is concerned only with Private Member's Bills and Resolutions. Fifteen Members from the Lok Sabha, with Deputy Speaker as the Chairman, constitute the Committee. This Committee does not exist in Rajya Sabha. The importance of such a specific Committee, duplicating the functions of Business Advisory Committee, corresponds to the importance of being a Member of Parliament, either in Opposition or in the ruling party. Although the ministers are responsible for framing the policies of the both the Houses, they, at any times constitute about 10-12 percent of the strength of both the Houses. This means that 90 percent of the members cannot take initiative in shaping policies to rectify this. The Parliamentary Rules provide for a non-minister member to initiate legislation on a range of subjects concerning the common man. A large body of ideas and opinions expressed through such legislation, enrich the government's understanding on issues and concerns. The government uses them, either by directly accepting the Bill or accommodating the concerns through suitable legislation or administrative measures.

Considering the number of bills put up by the private members, it is not difficult to see that the Committee has been quite active. During the 8th Lok Sabha, the Committee held 68 sittings, all total lasting nearly 34 hours. The Committee examined 138 Constitution Amendment Bills and made 68 Reports to the House. The function of the Committee has also encouraged
private members in pursuing matters of their conviction and contributing to the debate in the House. 86

The other two Committees under this category are the Rules Committee and the Committee on Absence of Member from the sitting of the House. Under Article 118 (1) of the Constitution, each House is mandated to frame Rules for conducting its business. The Committee set up for the purpose is responsible for making Rules by inviting suggestions and proposals for amendments from members. The Committee also decides on the constitution of the Parliamentary Committees, their composition, duration, etc. On the basis of the recommendation of the Rules Committee, 17 Departmental Committees were created. These Committees will be discussed in the subsequent section.

The Committee on Absence of Member is taken to Rules Committee as it discusses the absence of members from the House. The members have an important role in Parliamentary democracy and their absence is treated as a loss of participation not only of the member but also of the number of people he/she represents. Under Article 101, clause-4 of the Constitution, if a member absents from all meetings of the House for a period of 60 days without prior permission, he/she will lose his seat. 87 The Committee was set up to advise on the leave and absence of members as well as to deal with the

87 See The Constitution of India, Article 101, Clause-4.
consequence of such absence in terms of either condoling it or punishing it as per rules.

Service Committees

The Parliament has constituted Service Committees to make the life easier for members in matters of accommodation, salaries and allowances, information and other logistics inside and outside Parliament as they attend to their respective work. There are at least four Committees to deal with these matters: House Committee, Library Committee, Joint Committee on Salaries and Allowances, and the General Purpose Committee. The House Committee looks into the residential facilities, food, medicine, etc. The Committee makes recommendation on the requirements and secures these facilities by involving different departments.

*The Library Committee* representing both the Houses facilitates the members with references, research and documentation as well as any other information required by any particular member. Likewise, the Committee on Salaries and Allowances was constituted way back in 1954 to frame rules relating to remuneration of the members\(^{88}\) The allowances include medical, housing, telephone and other entitlement under the Act.\(^ {89}\)

*General Purpose Committee* advises on various ad-hoc matters relating to the House, which do not fall appropriately with the remit of other Parliamentary Committees. The subjects dealt by the Committee are mainly


\(^{89}\) Ibid.
procedural, ceremonial and functional, like fixing the logistics in the House - sound system, research facilities, telecasting the proceedings of the Parliament, and so on.\textsuperscript{90}

Service Committees are meant to contribute to the efficiency of the Members of Parliament and House as a whole. They do so by looking after the basic needs of the members.

**Department Related Standing Committees (DRSCs)**

With a view to strengthening the accountability mechanism, there was a need increasingly felt for the creation of Committees on various subjects of the Departments.\textsuperscript{91}

The Rules Committee of the Lok Sabha made a beginning in 1989 by creating 3 Departmental Standing Committees on Agriculture, Environment and Forest, and Science and Technology. The functioning of these Committees for over three years proved that they were viable instrument to ensure legislative scrutiny over the activities of various Departments. Hence, in 1993, in the 9\textsuperscript{th} Lok Sabha, 17 DRSCs were created in place of three. This was seen as "one of the very useful innovation in the Parliamentary practices in recent years."\textsuperscript{92}

\textsuperscript{90} Ibid.
\textsuperscript{91} Vilas Muttemwar, "Role of Parliamentary Committees in Strengthening Accountability Mechanism," \textit{Fifty Years of Indian Parliament}, n.54, pp.402-405.
\textsuperscript{92} Raja Ramanna, "Standing and Consultative Committees of Parliament," \textit{Fifty Years of Indian Parliament}, Ibid., p.419.
Subject Committees are Joint Committees comprising members from both the Houses. Each Committee has 30 members from Lok Sabha nominated by the Speaker, and 15 members from Rajya Sabha nominated by the Chairman. Eleven Committees would have Chairman from Lok Sabha nominated by the Speaker, and the six Committees would have Chairman from Rajya Sabha nominated by the Chairman. The Committees having Chairman from Lok Sabha would follow the Rules of Procedure and Conduct of Business in Lok Sabha, and the Committees having Chairman from Rajya Sabha would follow those of Rajya Sabha. Members of the Committees hold office for not more than one year, but they can be nominated again when Committee is reconstituted. The Committees are representative in their composition as they are constituted by the members from each House on the basis of respective strength of parties/groups. Likewise, the chairmanship of the Committee is also as per the strength of parties/groups. The parties/groups play an important role in the nomination of members to the individual Committees. The parties/groups give preference of their members to the Committees from the respective House as per the quota given to each Committee. No Minister can be a member of the Committee as he/she may influence the Committee in decision making.

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93 India, Rajya Sabha, Rules and Procedure and Conduct of Business in Rajya Sabha, n.18., Rule 269 p.87; and India, Lok Sabha, Rules of Procedure and Conduct of Business in Lok Sabha n.10, Rule 331, p.122.
94 Ibid., and Lok Sabha, Rule 331D, p.123.
95 V.S. Rama Devi and B.G. Gujar, Rajya Sabha At Work, n.66, p. 688.
The functions of Departmental Committees were broadly defined in August 1989 when there were three Committees. They are: examining the activities of the ministries; reporting on possibilities of economic, organizational or administrative reforms consistent with the policy approved by the Parliament; examining the annual reports of ministries; examining projects and activities of the ministries as referred to it by the Speaker, and studying policies and programmes of the government relating to various Departments. These functions were conducted ably. That is why the Rules Committee, in its 3rd Report presented to the Lok Sabha on 29 March 1993, recommended that 17 DRSCs should be set up. Both the Houses adopted this. The three initial Committees were since replaced by the 17 DRSCs. These Committees are:

PART I (Rajya Sabha)

1. Commerce
2. Home Affairs
3. Human Resource Development
4. Industry
5. Science & Technology, Environment & Forests
6. Transport & Tourism

PART II (Lok Sabha)

7. Agriculture
8. Communications
9. Defence
10. Energy
11. External Affairs
After the expansion of the Committees, following specific responsibilities and functions were fixed:\(^\text{96}\)

1. Considering the national policy documents of the Departments presented to the Houses, and if referred to the Committee by the Chairman/Speaker.
2. Considering the annual reports of the ministries/departments,
3. Considering the demands for grants of the ministries and reporting,
4. Examining bills of the ministries referred to, by the Chairman/Speaker.

The above functions are analysed in the following examples:

The Department Related Standing Committee on Urban and Rural Development took up the National Housing Policy, framed by the government in 1992, for detailed examination. The Committee presented its Fourth Report on 21 December 1993,\(^\text{97}\) and then on 26 August 1995.\(^\text{98}\) The Government considered the recommendations of the Committee and took

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\(^{96}\) India, *Rules of Procedure and Conduct of Business in Rajya Sabha*, n.18, (i) Rule 270, p.87 and (ii) Rule 331E, p. 123.

\(^{97}\) India, Lok Sabha, Fourth Report, *DRSC on Urban and Rural Development* (New Delhi: Lok Sabha, 1993).

\(^{98}\) India, Lok Sabha, Nineteenth Report, Action Taken Report, *DRSC on Urban and Rural Development* (New Delhi: Lok Sabha, 1995).
some important steps in National Housing Policy. The recommendations related to the policy in the areas such as: mechanism for land survey and mapping, group-based housing activity, introduction of innovative savings and lending instruments for housing finance, development of small and medium towns to reduce the growth of urban slums, empowerment of local municipal authorities, provision of safety in buildings, standardization of different types of constructions, and modification of Technology Action Plan. All those were accepted by the government. Also the government included norms regarding different geo-climatic conditions and life-styles of the people in different parts of the country while making the National Housing Policy.

Another instance of DRSC influencing the long-term national policies of the government is the work of the Committee on Petroleum and Chemicals on the proposed National Drug Policy. This policy was presented to the House by the government on 12 August 1992. After examining the proposal, the Committee made recommendations on industrial licensing reservation of items for the public sector, pricing mechanism, impact of the Trade-related Intellectual Property Rights (TRIPS) as mentioned under the World Trade Organisation (WTO) arrangements, the Indian Patent Act and quality control. The government decided to respond to specific recommendations of the Committee and reserved five major drugs, (i) Folic Acid,(ii) Vitamin B1, (iii) Vitamin B2 (iv) Tetracycline and (v) Oxy-tetracycline, for production in the public sector. Again, to promote the growth of indigenous industries
the government decided that any foreign investment for equity in drug industry allowed only for newer and efficient technologies that are not available in India.  

Let us now look at another function of the Committees, that is, Demand for Grants. The DRSC on Agriculture, covering the Ministry of Water Resources, recommended many times that there was a strong need to increase the allocation in favour of the Accelerated Irrigation Benefit Programme (AIBP). While preparing the Budget, the Ministry of Finance, at the Revised Estimates stage, cut down the Budget allocations for the AIBP from Rs.1600 crore to Rs.1400 crore.

The cut was made without consulting the Ministry of Water Resources. In its Tenth Report, on the demands for grants (2000-01), the Committee expressed its most unhappiness and recommended that the allocations in this regard should be appropriately enhanced and released. The Ministry agreed to the repeated recommendations of the Committee and, in its response, the Finance Minister announced in his budget speech on 28 February 2002 to increase the allocation for AIBP from Rs.2000 crore in previous year to Rs.2800 crore in 2002-03.

The DRSC on Transport and Tourism over the years had observed, and pointed out several times, that there has been inadequacy of the total budget

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outlay made towards the Department of Tourism and recommended an increase. Considering these recommendations, the Planning Commission and the Ministry of Finance substantially enhanced the plan allocation to the Department of Tourism. The total outlay for the Department was increased to Rs.160.5 crore for the year 1998-99 from Rs.90 crore in 1996-97. The Committee expressed their happiness on this response of the government on its recommendation. The increased total outlay was mentioned in the Committee's 31st Report on the Demands for Grants (1998-99) of the Department of Tourism. As a result of the Committee's repeated recommendations on the promotion of tourism, in the Budget Speech of 2002-03 the Union Finance Minister mentioned a further increase in the Plan outlay for Tourism by 50 per cent for the year 2002-2003. Apart from this, the Committee's recommendations also helped the government to take various measures initiatives for tourism promotion.101

However, in both the above mentioned cases the DRSC played an important role to influence the Ministry/Department's demands for grants and to take various developmental measures in their respective fields.

Sometimes, the DRSC can get new legislations initiated in the Parliament, or get, the existing legislations reformed. For example, Right to Information is an important issue for transparency, accountability, and good governance. This is what is being said in most democracies today. But this was not

specifically mentioned in any of the responsibilities contained in the 3 lists - Union, State and Concurrent-contained in the seventh schedule of the Indian Constitution. Therefore, it was felt that a new legislation, providing for the Right to Information, was perhaps needed. The government then referred this concern to the DRSC on Home Affairs for its advice and suggestion. The DRSC made suggestions in its 38th Report on the demands for grants (1997-98) of the Depart of Personnel, a branch of Ministry of Home Affairs. First, the Committee felt that the central government can make new legislations on various subjects using its residuary powers. Second, the Committee observed that through the Right To Information Act, there would be greater openness in the functioning of the government, which is supposed to be a basic principle of a democratic system. Third, the Committee felt that, through this Act the executive will be more accountable. On the basis of these recommendations, the government drafted the ‘Freedom of Information Bill’ and introduced it in the Lok Sabha on 25 July 2000. Evidently, it is the persistence of the DRSC that has led to the enactment of this important Act. This indeed is an achievement of the DRSC in its function on influencing legislations.

Another example of DRSC influencing legislations is the Treaty between India and the World Trade Organization (WTO) signed at Marrakesh on 1 January 1995. The WTO was substituting the General Agreement on Trade

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103 Ibid.
and Tariff (GATT) established at the end of the Second World War. However, the matter of concern was that unlike the other international institutions, WTO demands surrender of a part of the sovereign rights of member countries. The DRSC on Commerce, although not contributing in any way in the government's preparations to the Treaty, was greatly concerned about its consequences on India's economic policies. Considering the seriousness of the Treaty, the DRSC decided to constitute a core group, in 1998, consisting of eminent individuals, economists, agronomists, plant biologists, civil servants, and former diplomats. On the basis of the findings of this core group which were unanimously endorsed by the DRSC, strong recommendations were made to the government. Among the recommendations were: (i) the governments should strengthen its infrastructure for undertaking global trade negotiations in view of the complexities in International trade sector; (ii) The DRSC recommended setting up of a separate Department of International Trade and Trade Diplomacy under the Ministry of Commerce. This Department would promote a concerted approach in coordination with the Ministry of External Affairs, Ministry of Finance, Planning Commission and state governments; (iii) the government should defend the national interest against dumping by the advanced industrial countries. It should stress that the anti-dumping mechanisms should be strengthened; and (iv) the government must conduct

its trade diplomacy in such a manner that it is able to counter the aggression
by the industrially advanced countries in WTO.\textsuperscript{105}

These recommendations were the results of intensive discussions carried out
by DRCS on WTO. In fact, the core group comprising experts from outside
the Committee had several sittings. It was indeed a thorough job on an
important subject like India’s relationship with WTO.

\textbf{Ad hoc Committees}

Ad hoc Committees, also known as Select Committees, are appointed by the
House to go into specific questions of Parliamentary business. They are
appointed from time to time as the need arises. Select Committees on bills
are perhaps the best-known examples of such Committees. In the First
Parliament, the Ad hoc Committees created to deal with specific issues
included: Committee on Offices of Profit, the Railway Convention
Committee, the Committee on the Draft Second Five Year Plan, and the
Committee to fix Hindi equivalents for Parliamentary, legal and
administrative terms.

Ad hoc Committees are supposed to thoroughly discuss debate and analyse
the legislative measures referred to them. Thereby, the Parliament not only
saves precious time, but gets the advantage of expert opinion and technical
knowledge. The Joint Select Committees are most frequently constituted,

\textsuperscript{105} Ibid.
with the concurrence of two Houses, to discuss amendments to Bills referred to it. But the Money Bills are not referred to the Joint Select Committee.

The powers of the Ad hoc Committees are limited. They enjoy such authority as conferred upon them by the House. When a Bill is committed to an Ad hoc/Select Committee, it has the authority to consider the bill clause by clause and amendments relevant to the subject matter of the Bill. The practice of the Ad hoc Committees, according to the commentators, has not been very effective.\textsuperscript{106}

While probing a stock exchange scam a Joint Parliamentary Committee failed to summon the External Affairs Minister to depose before the Committee. Embarrassed by the criticism, the opposition wrote to the Chairman of the Committee that the External Affairs Minister be summoned. The Ad hoc Committees have not been vocal in demanding political accountability. It is evident from the fact that the draft report of the Joint Parliamentary Committee, investigating the stock market scam, was silent on political accountability of any kind for the tumultuous developments in India's financial sector in 2001.\textsuperscript{107}

Another criticism of the Ad hoc Committees is that they are not dealing with legislations effectively. Bills formulated for enactment of legislations on important issues remain pending, the decisions are not taken, and laws are

\textsuperscript{106} Rajesh Ramachandran, “JPC May Summon Sinha”, \textit{The Times of India} (New Delhi), 27.7.2002.

\textsuperscript{107} Priya Ranjan Dash, “Omission JPC can’t explain”, \textit{The Times of India} (New Delhi), 24 July 2002.
not passed. By one account, at one time, as many as seventy bills were pending before the two Houses of Parliament. The proposed legislations were passed on to Joint Parliamentary Committees for examination and report, but they continue to be tossed around\textsuperscript{108}

**Conclusions**

From the foregoing analysis it is clear that the DRSCs, ever-since their constitution in 1989 and their reconstitution in 1993, have contributed significantly to Parliament’s functioning. However, they suffered from certain constraints. First is the shortage of time. The time factor has been very well articulated by Ashok Mitra, a former the Chairman of the Committee on Industry and Committee on Commerce. He said: “the problem is always paucity of time. In theory, the Committee’s’ work is for four weeks. But, in practice we find that the Committee’s work is reduced to only as fortnight…. There will then be a certain curbing of activities”\textsuperscript{109}

Second, the recommendations of Committees are advisory and of persuasive nature. P.Upendra, MP and a member of various Parliamentary Committees asked the question: “If rules say that these recommendations would be persuasive in nature, what is the sanctity of these recommendations?”\textsuperscript{110}

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\textsuperscript{110} Ibid., 1996, Speech by P.Upendra, pp.83-84.
The recommendations of the Committee will have to be taken seriously, although making them mandatory is a debatable proposition. One argument is that the ministers do not have enough time to consider the recommendations and make alterations. This shortage of time can be addressed by putting Committee reports well on time.

There has been an overwhelming feeling among the Committee members that the Committee should be given more powers. According to P.Upendra, "the fight is still going on."111 Ashok Mitra endorses it: "I would say members from all of the Standing Committees, all of them from within at least, think that this format needs to be changed and Standing Committees must be given some additional teething, if they are to be taken seriously by the ministries."112 One way of enhancing powers of the Committees could be to route all policy documents through these Parliamentary Committees, in fact these documents should be brought before the Parliament only after the Committees have considered them. This relates to a sort of pre-budget scrutiny mentioned later on.

In addition, the Committees suffered from irregularity in attendance by members which is also said to have been prompted by lack of teeth by the Committees. The members, under pressure of constituency and party work, do not make time to attend the Committee meetings. Orientation training becomes necessary to persuade for Members of Parliament to realise the

111 Ibid., p.82.
112 Ibid., Speech by Ashok Mitra, p.92.
importance of the Committee meetings. Similar points will be taken up in
greater details as we go onto evaluate the achievements and failures of the
Committee systems, and the reasons thereof in the subsequent chapter.

Should the Committee meetings be kept open? There are two schools of
thought on this. One believes that open meetings of the Committee will
expose the irregularity and non-seriousness of the members, as they will be
working under the full glare of the people. The other school of thought is
that,\footnote{Yogendra Narain, Secretary General Rajya Sabha in a public meeting voiced this
opinion.} the Committee meeting should be held closed-door as they help the
members to move away from their respective party lines and develop a
consensus in the Committee. Moreover, the citizens have access to the
Committee as they depose for evidence and information.

Lack of resources has been a major constraint for the functioning of the
Committees; time, staff and money are some of them. The Secretariats of the
two Houses do not lend enough support. They should be strengthened to
cope with the additional workload. The Secretariats themselves can be
beefed up by additional staff seconded from other departments. The
Committees, more importantly, should be assisted by experts on the given
subjects. This will lend a professional touch to the working of the
Committees.

Certain innovations in the Committee system may be suggested in order to
make it more integrated. To draw some conclusion on the work of the
financial Committees, one may recall the words of G.V. Mavalankar, Speaker of the First Lok Sabha: “A system of financial control very properly devised and very carefully worked is, to my mind, the *sine qua non* of good administration.” 114 To take the specific case of Public Accounts Committee, the most popular and effective amongst the three, it is observed that PAC by its close scrutiny of accounts has earned a reputation of “impartiality, firmness and grasp for details”. 115 Furthermore, he commended that the work of the PAC is of immense benefit to the members as it enables them to get a clear idea of the working of the administration and equips them to participate effectively in the working of the House. The consciousness of the administration, according to B.P. Mathur, MP, that there exists a Parliamentary body to scrutinize what is being done by it acts as a deterrent against any tendency towards, “slackness, negligence or arbitrariness” on the part of the executive.

The most important aspect of accountability of the executive is ensuring control over national finance. The PAC is meant to do so. But if it is not able to discharge its functions efficiently, it can adversely affect the working of democratic institutions. Pertinently a former British Prime Minister, William Gladstone, observed way back in 1891: “The finance of the country is ultimately associated with the liberties of the country. If the House of

115 Ibid.
Commons by any possibility lose the power of the control of the grants of public money, your liberty will be worth very little in comparison. That powerful leverage has been known as the control of the House of Commons over public expenditure”.

Therefore, there is a need for the PAC to function effectively if the Parliament has to defend democracy and liberty in the country.

India should have a Committee on Plan projects. India has many Five Year Plan projects. But there is no Committee to scrutinize these projects. Likewise, there should also be a Committee on the national economy. Every year, before the presentation of the budget, the Finance Ministry presents to the Parliament the Economic Survey. The Reserve Bank of India also brings out its annual report. All these documents are not carefully examined or analyzed by any Parliamentary body. A Committee should, therefore, look into them as they concern the economy of the country.

Therefore, a major deficiency in the Indian Committee system is the absence of pre-budget scrutiny of the past economic performance. If the Committees were to make a meaningful contribution, it is necessary to revise the Committee structure and include in it a whole range of governmental functions. The main weakness of the Committees is that they are generally doing a post-mortem job. Previously, in pre-independent days, there were

Standing Advisory and Finance Committees to examine the estimates of each department before they were voted by the House.

There should also be a Committee on national security. A similar Committee exists in the United States, which is called the Committee on Un-American Activities. Any subversive activities are examined and reported upon by this Committee.

As regards the scope of the Committees, no government activity should be kept outside the purview of one Parliamentary Committee or the other. The Reserve Bank of India (RBI) is one such body, which remains outside the Parliamentary institutions. In some countries, like Germany, Belgium, and USA. There are Special Committees to examine the Central Bank of that country, particularly the currency authority; India should have a similar system. In addition, the State Bank of India, the Nationalized Banks, the General Insurance, and various Universities run by the Central Government are still outside the purview Parliamentary Committees.

In many countries, the membership of Committees is no more a privilege, but a duty. Countries like Belgium, Japan and Norway have this practice. The Indian Parliamentarians ought to view their membership in a similar way. To be sure, on balance, a good beginning has been made with the Committee system in regard to scrutiny of the executive, but the system needs to be made stronger to make it a vital part of India’s Parliamentary
process, and ensure accountability of the executive to the legislature, in particular, and to the citizens in general.